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September 10, 2012

VIA ELECTRONIC AND U.S. MAIL

Ms. Caroline Kwan
Remedial Project Manager
Special Projects Branch
Emergency and Remedial Response Division
U.S. Environmental Protection Agency, Region 2
290 Broadway, 20th Floor
New York, New York 10007-1866

Re: Progress Report No. 14 – August 2012
Newtown Creek Remedial Investigation/Feasibility Study

Dear Ms. Kwan:

Anchor QEA is submitting this monthly progress report for the Newtown Creek Remedial Investigation/Feasibility Study (RI/FS) on behalf of the Respondents to the Administrative Settlement Agreement and Order on Consent (Settlement Agreement or AOC). As set forth in Section 42 of said Settlement Agreement, this progress report is divided into the following areas:

1. Actions taken to comply with the Settlement Agreement during the previous month
2. Results of sampling and tests and all other data received by Respondents to the Settlement Agreement during the previous month
3. Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays
4. Work planned for the next 2 months with schedules relating to the overall project schedule for RI/FS completion

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1. Actions Taken to Comply with Settlement Agreement during Previous Month

- The Respondents completed their review of the USEPA oversight invoice and associated backup for the period July 18, 2011, through May 31, 2012. The Respondents made timely payments for this oversight invoice in accordance with Paragraph 81 of the AOC and the extension to August 30, as agreed to by USEPA.
- On August 2, USEPA issued a letter responding to the selection and sampling of background and reference area locations. In this letter, USEPA indicated its preference to maintain the current list of candidate sites (as identified in the June 2011 RI/FS Work Plan, November 2011 Reference Area Selection Technical Memorandum, and June 2012 Phase 1 RI Work Plan Addendum) and identified an additional ten sites for inclusion on the list. USEPA also requested that existing data for all candidate sites be compiled and reviewed to help identify locations where additional data may be needed to support the final selection of background and reference area locations. The Newtown Creek Respondents and USEPA discussed this letter and identified a path forward during an in-person meeting in New York City on August 9 and a follow-up teleconference on August 15. As a result of these discussions, the Respondents agreed to prepare an addendum memorandum that identifies the candidate background and reference area sites being considered, summarizes the data that exist for these sites, clarifies which sites are being recommended for sampling in fall 2012, and identifies what parameters are proposed for collection at these sites. This addendum memorandum is scheduled to be submitted to USEPA on September 7.
- On August 3, USEPA provided suggested revisions to select project deliverable/milestone dates to update the current project status. On August 22, USEPA provided two additional suggested changes specific to the Phase 1 RI Data Summary Report: 1) submit a technical memorandum that summarizes the Phase 1 surface water and sediment results in January 2013 to provide information for the planned Groundwater Workshop; and 2) submit the Phase 1 RI Data Summary Report prior to the planned Risk Assessment Workshop. This second deliverable would include all validated Phase 1 data available at that time; any outstanding unvalidated Phase 1 data would be provided in an addendum once those data were fully validated. The Respondents are currently evaluating USEPA's suggested changes from August 3 and August 22 and will provide USEPA with a formal response to its suggested changes in early September.

- USEPA provided comments on the draft Cultural Resources Survey Stage 1A Report on August 14. On August 28, Anchor QEA requested and USEPA approved an extension for the submittal of comment responses on September 28.
- Anchor QEA submitted responses to USEPA comments on the Data Applicability Report, Phase 1 RI Interim Data Report, and Phase 1 RI Work Plan Addendum (Sections 1 and 2) on August 17. USEPA approved all but one of these responses on August 27. The response USEPA indicated was unacceptable related to the sequencing of specific project deliverables in the project schedule (e.g., the Phase 2 RI Work Plan would be prepared and submitted to USEPA prior to the submittal of the Phase 1 RI Data Summary Report). Anchor QEA discussed this response with USEPA on August 28, and it was agreed that this response would be re-considered by USEPA after the Respondents provide feedback on USEPA's suggested changes to various deliverable/milestone dates (per the bullet above).
- On August 23 Anchor QEA confirmed with USEPA that the initial Pathways Analysis Report submittal will be limited to Tables 1 and 4 only, and Table 4 will not address fish or shellfish ingestion rates. This initial submittal will be provided to USEPA on or before November 1. The complete Pathways Analysis Report that includes Tables 1 through 5 will be provided to USEPA after all of the Phase 1 data have been received, validated, and reviewed.
- Phase 1 Field Activities
 - The seventh round of analytical surface water sampling was conducted from August 5 to August 9. The cooler containing the deep water ("C") samples from NC068SW and NC070SW were lost in transit to the laboratory. As a result, analyses of the surface ("A") samples from these locations were terminated, and new samples were collected from both the surface ("A") and deep water ("C") depths at both locations on August 15.
 - The fish community (low dissolved oxygen) survey was conducted from August 13 to August 16.
 - The ecological (benthic) surface sediment and surface water sampling (low dissolved oxygen survey) was conducted from August 13 to August 30.
 - The fifth round of current meter data retrieval and associated sampling were conducted from August 20 to August 22.

- The analytical surface sediment sampling (low dissolved oxygen survey) was conducted from August 20 to August 22.
- The Field Sampling and Analysis Plan (FSAP) Addendum No. 2 detailing the thermal infrared imagery survey proposed in Section 2 of the Phase 1 RI Work Plan Addendum was submitted to USEPA on August 1. USEPA provided comments on this FSAP Addendum on August 14. Responses to USEPA comments on the FSAP Addendum and a "tracked changes" version of the revised Addendum were submitted to USEPA on August 20. USEPA approved the proposed responses and FSAP Addendum revisions on August 22, and a final FSAP Addendum No. 2 was submitted to USEPA on August 23. The thermal infrared imagery survey was conducted on August 30. Visual imagery of the survey area was not obtained coincident with the thermal imagery as planned due to an equipment malfunction. The contractor will use high-resolution aerial imagery that was obtained earlier in the 2012 field season in place of the planned visual imagery information to aid in the review of the thermal imagery results.
- Meetings
 - The Respondents and USEPA met in New York City on August 9 to discuss several project tasks, including: 1) responses to USEPA comments on the Data Applicability Report, Phase 1 RI Interim Data Report, and Phase 1 RI Work Plan Addendum (Sections 1 and 2); 2) USEPA's August 2 letter regarding Section 3 (Reference Areas) of the Phase 1 RI Work Plan Addendum; and 3) progress on the investigative efforts for the upland sites identified in the Data Applicability Report as needing additional investigation and analysis. A follow-up teleconference to further clarify the USEPA reference area letter (Item 2 in this list) was held on August 15.

2. Results of Sampling and Tests and Other Data Received by Respondents during Previous Month

- Final data validation and quality control review of the third (April) and fourth (May) rounds of analytical surface water column sampling results were completed. The validated data for these survey rounds are included on the enclosed compact disc (CD).

- Validation of the benthic community surface water data (April and May high dissolved oxygen survey) continued.
- Quality control review of the Sedflume (March) and first round (April) of current meter data continued.

3. *Encountered and Anticipated Problems and/or Delays and Solutions Developed and Implemented to Address Them*

- None

4. *Work Planned for the Next 2 Months with Schedules Relating to the Overall Project Schedule for RI/FS Completion*

- A routine update meeting with USEPA is scheduled for September 13.
- The following Phase 1 field activities are scheduled for the next 2 months:
 - Analytical surface water column sampling: Weeks of September 9 and October 1
 - Current meter retrieval, data download, and re-deployment: Week of September 24
- Reference and background area sampling is tentatively planned to begin the week of September 24, pending USEPA review and approval of the sampling locations proposed in the Phase 1 RI Work Plan Addendum, Reference Area Memorandum that is scheduled for submittal to USEPA on September 7.

If you have any questions regarding this progress report, please do not hesitate to contact me at (201) 571-0912 (e-mail: jquadrini@anchorqea.com).

Sincerely,



Jim Quadrini, P.E., BCEE
Anchor QEA, LLC

cc: Nica Klaber, USEPA Region 2 Remedial Project Manager
Michael Mintzer, USEPA Region 2 Assistant Regional Counsel
Ian Beilby, NYSDEC, Division of Environmental Remediation
Dennis M. Reznick, Common Counsel for Newtown Creek Group Respondents
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